

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Madhu KANOOR et al.	§	Confirmation No.:	1375
		§		
Serial No.:	10/826,481	§	Group Art Unit:	2193
		§		
Filed:	04/16/2004	§	Examiner:	William H. Wood
		§		
For:	Method and System For	§	Docket No.:	200406530-2
	Patch Management	§		

**APPEAL BRIEF**

**Mail Stop Appeal Brief – Patents**

Date: January 21, 2009

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this Appeal Brief in connection with the above-identified application. A Notice of Appeal was electronically filed on November 19, 2008.

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**I. REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, L.P. (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas. HPDC is a wholly owned affiliate of Hewlett-Packard Company (HPC). The Merger document from Novadigm, Inc. to HPC was recorded on November 9, 2004, at Reel/Frame 015355/0969. The Assignment from HPC to HPDC was recorded on December 21, 2005, at Reel/Frame 016929/0378.

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**II. RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals or interferences.

**III. STATUS OF THE CLAIMS**

Originally filed claims: 1-40.

Claim cancellations: None.

Added claims: None.

Presently pending claims: 1-40.

Presently appealed claims: 1-40.

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**IV. STATUS OF THE AMENDMENTS**

No claims were amended after the final Office action dated October 9, 2008.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

This section provides a concise explanation of the subject matter defined in each of the independent claims, referring to the specification by page and line number or to the drawings by reference characters as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified with a corresponding reference to the specification or drawings where applicable. The specification references are made to the application as filed by Appellants. Note that the citation to passages in the specification or drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element. Also note that these specific references are not exclusive; there may be additional support for the subject matter elsewhere in the specification and drawings.

The invention of claim 1 is directed to a method<sup>1</sup> for updating and maintaining current operating information on a processor-based target device. The method comprises the steps of discovering<sup>2</sup> current operating information associated with the target device and comparing<sup>3</sup> the current operating information associated with the target device with updated operating information retrievable from a database. The method further comprises identifying<sup>4</sup> at least one patch applicable to the discovered current operating information associated with the target device. Further, the target device determines<sup>5</sup> if the at least one identified patch has been applied on the target device and, if necessary, applies<sup>6</sup> the at least one identified patch on the target device. The method also comprises entering an updated patch status of the target device in the database.<sup>7</sup>

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<sup>1</sup> Fig. 2, method 26. Disclosure p. 8 line 1 of para. [0033].

<sup>2</sup> Fig. 2, step 28. Disclosure p. 8 line 2 of para. [0033].

<sup>3</sup> Fig. 2, step 30. Disclosure p. 9 line 1.

<sup>4</sup> Fig. 2, step 32. Disclosure p. 9 line 4.

<sup>5</sup> Fig. 2, step 34. Disclosure p. 9 line 5.

<sup>6</sup> Fig. 2, step 36. Disclosure p. 9 line 6.

<sup>7</sup> Fig. 2, step 38. Disclosure p. 9 line 7.

The invention of claim 10 is directed to a method<sup>8</sup> for updating and maintaining current operating information on a processor-based target device. The method comprises the steps of discovering<sup>9</sup> current operating information associated with the target device and transferring<sup>10</sup> the current operating information associated with the target device to a second device. The method further comprises comparing<sup>11</sup> the current operating information associated with the target device with updated operating information retrievable from a database by the second device, identifying<sup>12</sup> at least one patch applicable to the current operating information associated with the target device, and forwarding<sup>13</sup> the at least one identified patch from the second device to the target device. The target device determines<sup>14</sup> if the at least one identified patch has been applied on the target device and, if necessary, applies<sup>15</sup> the at least one identified patch on the target device. The method also comprises generating<sup>16</sup> an updated patch status on the target device, sending<sup>17</sup> the updated patch status to the second device, and using<sup>18</sup> the second device to enter the updated patch status of the target device in the database.

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<sup>8</sup> Fig. 3A, method 40. Disclosure p. 10 line 1 of para. [0042].

<sup>9</sup> Fig. 3A, step 42. Disclosure p. 10 line 3 of para. [0042].

<sup>10</sup> Fig. 3A, step 44. Disclosure p. 10 line 4 of para. [0042].

<sup>11</sup> Fig. 3A, step 46. Disclosure p. 10 line 5 of para. [0042].

<sup>12</sup> Fig. 3A, step 48. Disclosure p. 10 line 7 of para. [0042].

<sup>13</sup> Fig. 3A, step 50. Disclosure p. 10 line 8 of para. [0042].

<sup>14</sup> Fig. 3A, step 52. Disclosure p. 10 line 9 of para. [0042].

<sup>15</sup> Fig. 3B, step 54. Disclosure p. 10 line 11 of para. [0042].

<sup>16</sup> Fig. 3B, step 56. Disclosure p. 10 line 12 of para. [0042].

<sup>17</sup> Fig. 1, system 10. Disclosure p. 6 line 2 of para. [0023].

<sup>18</sup> Fig. 3B, step 60. Disclosure p. 10 line 13 of para. [0042].



The invention of claim 17 is directed to a system<sup>19</sup> for updating and maintaining current operating information on a processor-based target device.<sup>20</sup> The system comprises means for discovering<sup>21</sup> current operating information associated with the target device, means for transferring<sup>22</sup> the current operating information associated with the target device to a second device,<sup>23</sup> means for comparing<sup>24</sup> the current operating information associated with the target device with updated operating information retrievable from a database by the second device, and means for identifying<sup>25</sup> at least one patch applicable to the current operating information associated with the target device. The system also comprises means for forwarding<sup>26</sup> the at least one patch from the second device to the target device. The target device comprises means for determining<sup>27</sup> if the at least one patch has been applied on the target device and, if necessary, applying<sup>28</sup> the at least one patch on the target device. The system further comprises means for generating<sup>29</sup> an updated patch status on the target device, means for sending<sup>30</sup> the updated patch status to the second device, and means

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<sup>19</sup> Fig. 3B, step 60. Disclosure p. 10 line 13 of para. [0042].

<sup>20</sup> Fig. 1, target devices 12, 14, 16. Disclosure p. 6 line 3 of para. [0023].

<sup>21</sup> Fig. 1, target devices 12-16. Fig. 3A, step 42. Disclosure p. 10 line 3 of para. [0042].

<sup>22</sup> Fig. 1, target devices 12-16. Fig. 3A, step 44. Disclosure p. 10 line 4 of para. [0042].

<sup>23</sup> Fig. 1, servers 20-24.

<sup>24</sup> Fig. 1, servers 20-24. Fig. 3A, step 46. Disclosure p. 7 line 3 of para. [0029] and p. 10 line 5 of para. [0042].

<sup>25</sup> Fig. 1, servers 20-24. Fig. 3A, step 48. Disclosure p. 10 line 7 of para. [0042].

<sup>26</sup> Fig. 1, servers 20-24. Fig. 3A, step 50. Disclosure p. 7 line 4 of para. [0029] and p. 10 line 8 of para. [0042].

<sup>27</sup> Fig. 1, target devices 12-16. Fig. 3A, step 52. Disclosure p. 8 lines 1-9 of para. [0030] and p. 10 line 9 of para. [0042].

<sup>28</sup> Fig. 1, target devices 12-16. Fig. 3B, step 54. Disclosure p. 8 lines 1-9 of para. [0030] and p. 10 line 11 of para. [0042].

<sup>29</sup> Fig. 1, target devices 12-16. Fig. 3B, step 56. Disclosure p. 8 lines 1-9 of para. [0030] and p. 10 line 12 of para. [0042].

<sup>30</sup> Fig. 1, target devices 12-16. Fig. 3B, step 58. Disclosure p. 8 lines 1-9 of para. [0030] and p. 10 line 13 of para. [0042].

for using<sup>31</sup> the second device to enter the updated patch status of the target device in the database.

The invention of claim 18 is directed to a system<sup>32</sup> for updating and maintaining current operating information on a processor-based target device. The system comprises at least one target device<sup>33</sup> configured to receive a patch<sup>34</sup> and a second device<sup>35</sup> configured to perform a database look-up to identify<sup>36</sup> at least one patch applicable to the at least one target device. The second device is capable of sending to the at least one target device a list of the at least one patch applicable to the at least one target device and receiving from the at least one target device an updated message regarding the patch status of the at least one target device.<sup>37</sup> Further, the at least one target device determines<sup>38</sup> which patch to apply to such target device from the list.

The invention of claim 23 is directed to a method<sup>39</sup> for updating and maintaining current operating information on a processor-based target device. The method comprises discovering<sup>40</sup> current operating information associated with a target device and comparing<sup>41</sup> the current operating information against a desired state of information, for the target device to determine, based on policy data associated with the target device, whether at least one patch needs to be applied to the target device. The method further comprises transferring<sup>42</sup> the desired state of information to the target device and a target agent on the target

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<sup>31</sup> Fig. 3B, step 60. Disclosure p. 7 line 12 of para. [0028] and p. 10 line 13 of para. [0042].

<sup>32</sup> Fig. 3B, step 60. Disclosure p. 10 line 13 of para. [0042].

<sup>33</sup> Fig. 1, target devices 12, 14, 16. Disclosure p. 6 line 3 of para. [0023].

<sup>34</sup> Disclosure p. 2 line of para. [0029].

<sup>35</sup> Fig. 1, servers 20-24.

<sup>36</sup> Fig. 3A, step 46. Disclosure p. 10 line 5 of para. [0042].

<sup>37</sup> Fig. 3A, step 50. Disclosure p. 10 line 8 of para. [0042].

<sup>38</sup> Fig. 2, step 34. Disclosure p. 9 line 5.

<sup>39</sup> Fig. 4, method 62. Disclosure p. 11 line 1 of para. [0047].

<sup>40</sup> Fig. 4, step 64. Disclosure p. 11 line 2 of para. [0047].

<sup>41</sup> Fig. 4, step 66. Disclosure p. 11 line 3 of para. [0047].

<sup>42</sup> Fig. 4, step 68. Disclosure p. 11 line 6 of para. [0047].

device compares<sup>43</sup> the desired state of information to the current operating information in order to identify if at least one patch should be applied to the target device. Further, the method comprises sending<sup>44</sup> a patch list from the target agent to a second device requesting at least one patch that should be applied to the target device, forwarding<sup>45</sup> the at least one patch from the second device to the target device, and applying<sup>46</sup> the at least one patch to the target device.

The invention of claim 30 is directed to a data processing system<sup>47</sup> for updating and maintaining current operating information on a processor-based target device. The data processing system comprises of a component for discovering<sup>48</sup> current operating information associated with the target device, comparing<sup>49</sup> the current operating information associated with the target device with updated operating information retrievable from a database, and identifying<sup>50</sup> at least one patch applicable to the current operating information associated with the target device. The target device determines<sup>51</sup> if the at least one patch has been applied on the target device and, if necessary, applies<sup>52</sup> the at least one patch on the target device. The system's component also enters an updated patch status of the target device in the database.<sup>53</sup>

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<sup>43</sup> Fig. 4, step 72. Disclosure p. 11 line 7 of para. [0047].

<sup>44</sup> Fig. 4, step 74. Disclosure p. 11 line 9 of para. [0047].

<sup>45</sup> Fig. 4, step 76. Disclosure p. 11 line 11 of para. [0047].

<sup>46</sup> Fig. 4, step 78. Disclosure p. 11 line 12 of para. [0047].

<sup>47</sup> Fig. 3B, step 60. Disclosure p. 10 line 13 of para. [0042].

<sup>48</sup> Fig. 2, step 28. Disclosure p. 8 line 2 of para. [0033].

<sup>49</sup> Fig. 2, step 30. Disclosure p. 9 line 1.

<sup>50</sup> Fig. 2, step 32. Disclosure p. 9 line 4.

<sup>51</sup> Fig. 2, step 34. Disclosure p. 9 line 5.

<sup>52</sup> Fig. 2, step 36. Disclosure p. 9 line 6.

<sup>53</sup> Fig. 2, step 38. Disclosure p. 9 line 7.

The invention of claim 33 is directed to a computer readable medium<sup>54</sup> having computer executable instructions for performing a method. The method comprises discovering<sup>55</sup> current operating information associated with the target device, comparing<sup>56</sup> the current operating information associated with the target device with updated operating information retrievable from a database, identifying<sup>57</sup> at least one patch applicable to the current operating information associated with the target device, the target device determining<sup>58</sup> if the at least one patch has been applied on the target device and, if necessary, applying<sup>59</sup> the at least one patch on the target device, and entering<sup>60</sup> an updated patch status of the target device in the database.

The invention of claim 35 is directed to a method<sup>61</sup> for managing patches for software. The method comprises automatically acquiring<sup>62</sup> a plurality of patches from a plurality of vendors for a plurality of software products, automatically discovering<sup>63</sup> current operating information associated with a plurality of target devices, automatically completing<sup>64</sup> a vulnerability assessment for the acquired plurality of patches using the discovered current operating information associated with the plurality of target devices, automatically completing<sup>65</sup> an impact analysis for applying the acquired plurality of patches to the discovered current operating information for the plurality of target devices,

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<sup>54</sup> Disclosure p. 7 line 1 of para. [0027].

<sup>55</sup> Fig. 2, step 28. Disclosure p. 8 line 2 of para. [0033].

<sup>56</sup> Fig. 2, step 30. Disclosure p. 9 line 1.

<sup>57</sup> Fig. 2, step 32. Disclosure p. 9 line 4.

<sup>58</sup> Fig. 2, step 34. Disclosure p. 9 line 5.

<sup>59</sup> Fig. 2, step 36. Disclosure p. 9 line 6.

<sup>60</sup> Fig. 2, step 38. Disclosure p. 9 line 7.

<sup>61</sup> Fig. 5, method 80. Disclosure p. 12 line 1 of para. [0052].

<sup>62</sup> Fig. 5, step 82. Disclosure p. 12 line 2 of para. [0052].

<sup>63</sup> Fig. 5, step 84. Disclosure p. 12 line 3 of para. [0052].

<sup>64</sup> Fig. 5, step 86. Disclosure p. 12 line 4 of para. [0052].

<sup>65</sup> Fig. 5, step 88. Disclosure p. 13 line 1.

automatically deploying<sup>66</sup> the plurality of patches to the plurality of target devices based on policy-based information, wherein the policy-based information includes in-part, information from the vulnerability assessment and the impact analysis, and automatically installing<sup>67</sup> the deployed plurality of patches on the plurality of target devices. The step of automatically completing the impact analysis includes each target device determining which patch to apply to such target device.<sup>68</sup>

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<sup>66</sup> Fig. 5, step 90. Disclosure p. 13 line 3.

<sup>67</sup> Fig. 5, step 92. Disclosure p. 13 line 6.

<sup>68</sup> Disclosure p. 13 lines 1-6 of para. [0054].

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claims 1-5 and 7-40 are anticipated by Smith (U.S. Pat. No. 6,477,703).

Whether claim 6 is unpatentable over Smith in view of Applicant Admitted Prior Art (AAPA).

## VII. ARGUMENT

### A. Anticipation rejection of claims 1-5 and 7-40

In Smith, a tool, remote from the computer system on which a patch is to be installed, performs the activity specified in Smith. For instance, the remote tool determines which patch is to be loaded on the target computer system. See e.g., col. 2, lines 6-36; col. 3, lines 5-20. In Smith, the computer system to which the patch is to be applied does not make the determination as to which patch is to be applied.

Claim 1 requires “**the target device determining** if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device.” Claim 1 thus requires that the claimed “target device” is the entity that identifies if a recommended patch has been applied on the target device and, if not, applying the patch. In Smith, only the remote tool, not the target computer system, determines which patches to apply.

In the Final Office Action (page 6), the Examiner responded that Smith teaches that that a piece of software is “run on the computer” being analyzed. Col. 2 lines 6-7. Smith does teach that a script is run on the computer to create a file of the operating system, software applications, and patches that are installed on the computer. A script that interrogates the computer to identify its software components is substantially different from the claim limitation at issue which is “the target device determining if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device.” Smith’s locally run script does not determine if a patch applicable to the computer to possibly be applied to the computer has actually been applied to the computer. Smith’s script also does not apply the identified patch if necessary. Instead, in Smith, the remote tool determines which patches to apply and the remote tool does not run on the computer being analyzed. See col. 3 lines 5-8.

The Examiner also noted Smith's use of the word "alternatively" at col. 3 line 5. The Examiner alleged that the word alternatively means that "the preferred option is not the remote machine." Final Office Action page 6. However, Appellants respectfully submit that the Examiner has taken the word "alternatively" out of context. The paragraph containing "alternatively" begins at col. 2 line 66 and starts with an explanation that a user fills out a datasheet or is interviewed about the computer's configuration. The paragraph continues by providing an "alternative" whereby the computer runs the script noted above and then a remote computer determines whether any patches are applicable and have been applied to the computer. Thus, the alternative option is an alternative to a user talking to a technician over the phone, not to the computer having the software to perform the actions locally that are required by Appellants' claimed invention.

For at least these reasons, Appellants respectfully submit that the Examiner erred in rejecting claim 1 and dependent claims 2-5 and 7-9 over Smith. The remaining independent claims, and their dependent claims, have the same or similar limitations to that discussed above regarding claim 1. Accordingly, for much the same reason as provided above, the Examiner erred in rejecting those claims as well.

**B. Obviousness rejection of claim 6**

Claim 6 depends from claim 1 and thus inherits the limitations of claim 1. Claim 1 is allowable over Smith as explained above. Even if the Examiner's allegation about applicants' allegedly admitted prior art, such admitted art still does not satisfy the deficiencies of Smith noted above. Thus, claim 6 is not rendered obvious by Smith in view of the alleged admitted prior art.

**C. Conclusion**

For the reasons stated above, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such



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extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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**VIII. CLAIMS APPENDIX**

1. (Previously presented) A method for updating and maintaining current operating information on a processor-based target device, the method comprising the steps of:

discovering current operating information associated with the target device;

comparing the current operating information associated with the target device with updated operating information retrievable from a database;

identifying at least one patch applicable to the discovered current operating information associated with the target device;

the target device determining if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device; and

entering an updated patch status of the target device in the database.

2. (Original) The method of claim 1, wherein the current operating information of the target device includes at least one of a group comprised of:

(a) an identity and version level of at least one software application program currently residing on the target device;

(b) an identity and version level of at least one operating system residing on the target device;

(c) an identity and version level of at least one hardware device residing on the target device; and

(d) an identity and version level of at least one firmware program residing on the target device.

3. (Original) The method of claim 1, further comprising the steps of:

querying the database to determine a patch status of the target device; and

identifying gaps in patch coverage for the target device.

4. (Original) The method of claim 1, wherein the target device is in communication with a server.

5. (Original) The method of claim 1, wherein the discovering step includes a plurality of target devices.

6. (Original) The method of claim 5, wherein the plurality of target devices include a plurality of mobile devices.

7. (Original) The method of claim 1 further comprising a computer readable medium having stored therein instructions for causing a processor to execute the steps of the method.

8. (Original) The method of claim 1 wherein the at least one identified patch includes two components comprising a state file for importing into the database and a manifest file used by a target agent on the target device that provides policy information and security information for the at least one identified patch.

9. (Original) The method of claim 8 wherein the state file comprises patch information, detailed information about patch components and patch target information from a patch authority and wherein the manifest file includes patch target information from a patch authority, prerequisite and superceded path information, a plurality of indicators used to determine if a patch is properly installed and information on how to apply a patch.

10. (Previously presented) A method for updating and maintaining current operating information on a processor-based target device, the method comprising the steps of:

discovering current operating information associated with the target device;

transferring the current operating information associated with the target device to a second device;

comparing the current operating information associated with the target device with updated operating information retrievable from a database by the second device;

identifying at least one patch applicable to the current operating information associated with the target device;

forwarding the at least one identified patch from the second device to the target device;

the target device determining if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device;

generating an updated patch status on the target device;

sending the updated patch status to the second device; and

using the second device to enter the updated patch status of the target device in the database.

11. (Original) The method of claim 10 further comprising a computer readable medium having stored therein instructions for causing a processor to execute the steps of the method.

12. (Original) The method of claim 10, wherein the second device is a server.

13. (Original) The method of claim 10 wherein the current operating information of the target device includes at least one of the group comprised of:

(a) an identity and version level of at least one software application program currently residing on the target device;

(b) an identity and version level of at least one operating system residing on the target device;

(c) an identity and version level of at least one hardware device residing on the target device; and

(d) an identity and version level of at least one firmware program residing on the target device.

14. (Original) The method of claim 10, further comprising the steps of:  
querying the database to determine a patch status of the target device;  
and  
identifying gaps in patch coverage for the target device.

15. (Original) The method of claim 10, wherein the discovering step includes multiple target devices.

16. (Original) The method of claim 10, wherein the determining step is performed by a target agent residing on the target device.

17. (Previously presented) A system for updating and maintaining current operating information on a processor-based target device, the system comprised of:

means for discovering current operating information associated with the target device;

means for transferring the current operating information associated with the target device to a second device;

means for comparing the current operating information associated with the target device with updated operating information retrievable from a database by the second device;

means for identifying at least one patch applicable to the current operating information associated with the target device;

means for forwarding the at least one patch from the second device to the target device;

the target device comprising means for determining if the at least one patch has been applied on the target device and, if necessary, applying the at least one patch on the target device;

means for generating an updated patch status on the target device;  
means for sending the updated patch status to the second device; and  
means for using the second device to enter the updated patch status of the target device in the database.

18. (Previously presented) A system for updating and maintaining current operating information on a processor-based target device, the system comprised of:

at least one target device configured to receive a patch; and  
a second device configured to perform a database look-up to identify at least one patch applicable to the at least one target device, the second device capable of sending to the at least one target device a list of the at least one patch applicable to the at least one target device and receiving from the at least one target device an updated message regarding the patch status of the at least one target device;

wherein the at least one target device determines which patch to apply to such target device from said list.

19. (Original) The system of claim 18, wherein the second device is a server.

20. (Original) The system of claim 18, further comprised of:

a target agent residing in the at least one target device, the target agent capable of:

receiving the list of the at least one patch applicable to the at least one target device;

determining whether the at least one patch has been applied to the at least one target device;

generating a patch status for the at least one target device; and

sending the patch status to the second device.

21. (Original) The system of claim 19, further comprising of an administrator capable of querying the database to determine a patch status of the at least one target device.

22. (Original) The system of claim 21, wherein the administrator can query the database when the target device is not in communication with the second device.

23. (Previously presented) A method for updating and maintaining current operating information on a processor-based target device, the method comprised of:

- discovering current operating information associated with a target device;
- comparing the current operating information against a desired state of information, for the target device to determine, based on policy data associated with the target device, whether at least one patch needs to be applied to the target device;

- transferring the desired state of information to the target device;

- having a target agent on the target device compare the desired state of information to the current operating information in order to identify if at least one patch should be applied to the target device;

- sending a patch list from the target agent to a second device requesting at least one patch that should be applied to the target device;

- forwarding the at least one patch from the second device to the target device; and

- applying the at least one patch to the target device.

24. (Original) The method of claim 23, wherein the second device is a server.

25. (Original) The method of claim 23, wherein the comparing step is performed using a differencing method.

26. (Original) The method of claim 23, wherein the at least one patch that the policy data indicates should be applied to the target device is sent to the target device without a request from the target agent.

27. (Original) The method of claim 26, wherein the policy data includes qualitative information about each patch.

28. (Original) The method of claim 27, wherein an administrator determines, based on the qualitative information, whether a patch should be applied on the target device.

29. (Original) The method of claim 28, wherein the determination of the administrator is included in the policy data.

30. (Previously presented) A data processing system for updating and maintaining current operating information on a processor-based target device, the data processing system comprised of a component for:

- discovering current operating information associated with the target device;

- comparing the current operating information associated with the target device with updated operating information retrievable from a database;

- identifying at least one patch applicable to the current operating information associated with the target device;

- the target device determining if the at least one patch has been applied on the target device and, if necessary, applying the at least one patch on the target device; and

- entering an updated patch status of the target device in the database.

31. (Original) The data processing system of claim 30, wherein the target device is in communication with a second device.



32. (Original) The data processing system of claim 30, wherein the second device is a server.

33. (Previously presented) A computer readable medium having computer executable instructions for performing a method comprising:

- discovering current operating information associated with the target device;

- comparing the current operating information associated with the target device with updated operating information retrievable from a database;

- identifying at least one patch applicable to the current operating information associated with the target device;

- the target device determining if the at least one patch has been applied on the target device and, if necessary, applying the at least one patch on the target device; and

- entering an updated patch status of the target device in the database.

34. (Original) The computer readable medium of claim 33, having computer executable instructions for performing a method further comprising:

- transferring the current operating information associated with the target device to a second device;

- forwarding the at least one patch from the second device to the target device;

- generating an updated patch status on the target device;

- sending the updated patch status to the second device; and

- using the second device to enter the updated patch status of the target device in the database.

35. (Previously presented) A method for managing patches for software, comprising:

- automatically acquiring a plurality of patches from a plurality of vendors for a plurality of software products;

automatically discovering current operating information associated with a plurality of target devices;

automatically completing a vulnerability assessment for the acquired plurality of patches using the discovered current operating information associated with the plurality of target devices;

automatically completing an impact analysis for applying the acquired plurality of patches to the discovered current operating information for the plurality of target devices;

automatically deploying the plurality of patches to the plurality of target devices based on policy-based information, wherein the policy-based information includes in-part, information from the vulnerability assessment and the impact analysis; and

automatically installing the deployed plurality of patches on the plurality of target devices;

wherein the step of automatically completing the impact analysis includes each target device determining which patch to apply to such target device.

36. (Original) The method claim 35 further comprising a computer readable medium having stored therein instructions for causing a processor to execute the steps of the method.

37. (Original) The method of claim 35 wherein the step of automatically completing a vulnerability analysis includes automatically completing a patch gap analysis to determine where components of the operating information may be vulnerable to applying a patch and identifies which new patches may be required based on the discovered current operating information.

38. (Original) The method of claim 35 wherein the step of automatically completing an impact analysis includes automatically completing a conflict analysis to determine what new patches may be need and how the new patches may conflict with old patches already applied to the target device.

39. (Original) The method of claim 35 further comprising automatically verifying application of the deployed plurality of patches on the plurality of target devices.

40. (Original) The method of claim 35 further comprising automatically performing quality assurance operations on the plurality of target devices to provide a desired level of quality for application of the deployed plurality of patches on the plurality of target devices.

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**IX. EVIDENCE APPENDIX**

None.

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**X. RELATED PROCEEDINGS APPENDIX**

None.